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Customer Number

Patent  
Case No.: 58077US003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: ROEHRIG, MARK A.

Application No.: 10/823328

Confirmation No.: 4482

Filed: April 13, 2004

Title: TRANSDERMAL DRUG DELIVERY DEVICE WITH TRANSLUCENT  
INORGANIC BARRIER LAYER

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]**

I hereby certify that this correspondence is being:

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February 18, 2008  
Date

/Chris Johnson/  
Signed by: Chris Johnson

Dear Sir:

This is in response to the Office Action dated December 31, 2007. Claims 1-20 are pending. Claims 1-20 were restricted under 35 USC § 121 as follows:

I. Claims 1-4 and 10-14 are said to be drawn to a transdermal drug delivery device for delivering pharmaceuticals, classified in Class 424, subclass 449;

II. Claims 5-9 are said to be drawn to a transdermal drug delivery device for delivering a pharmaceutically active agent, classified in Class 424, subclass 449;

III. Claims 15-16 are said to be drawn to a transdermal drug delivery device, classified in Class 424, subclass 449;

IV. Claims 17-18 are said to be drawn to a method of drug delivery to a mammal, classified in Class 424, subclass 449;

V. Claims 19-20 are said to be drawn to a method of drug delivery to a mammal, classified in Class 424, subclass 449;

Election

In response, Applicants elect Group I (viz. Claims 1-4 and 10-14), without traverse.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

ELECTION OF SPECIES

In response to the Examiner's office action dated December 31, 2007, Applicants provisionally elect the species indium tin oxide recited as a species in claim 12.

Claims 1-20 are generic to the elected species.

It is respectfully urged that the claims now pending before the Examiner are in condition for allowance. A notification of allowability is respectfully solicited.

Should the Examiner determine that a telephone interview would be beneficial in resolving any of the issues in this case, the Examiner is invited to telephone the undersigned attorney at the telephone number noted below.

It is believed that no fee is due; however, in the event a fee is required please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

February 18, 2008

Date

By: /Robert W. Sprague/

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